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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,148	01/03/2007	Dietrich Klingler	016906-0465	8901
23428 7590 07/06/2009 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007				
EXAMINER				
KOSANOVIC, HELENA				
ART UNIT		PAPER NUMBER		
3749				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/567,148

Applicant(s)

KLINGLER ET AL.

Examiner

HELENA KOSANOVIC

Art Unit

3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-21 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 03 January 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 2/6/2006
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Inventor's Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 9, 14 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Nocera FR 2799695.

Nocera teaches the invention as claimed:

Regarding claim 1, an air vent (fig. 3), especially for a motor vehicle, with an air-supplying air duct 9 (fig. 3) and with an air conduction device (9B), the air duct in the air conduction device being divided into at least two essentially cylindrical sub ducts (2A and 2B), that wherein the cylindrical sub ducts are arranged parallel with respect to one another (fig. 3).

Regarding claim 9 a device (1B, 1A, fig. 6) for setting the direction of the air stream is arranged after the air conduction device (fig. 4).

Regarding claim 14, the air vent has a lamellar air conduction device (1A and 1B, fig. 5).

Regarding claim 21, A ventilation system for a motor vehicle (fig. 3), characterized by an air vent (fig. 4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 2 is rejected under 35 U.S.C. 103(a) as being obvious over Nocera FR 2799695 in view of Butera WO02/072371.

Nocera teaches the invention as discussed above but is silent about the four air streams.

Butera teaches:

Regarding claim 2, a division (5S and 5D, fig. 2) of the air supplied through the air duct into at least four air streams (7S, 7D, 7C, fig. 2).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have the Nocera invention modified with the Butera 4 air streams in order to have more vent openings and thus improve ventilation in the vehicle cabin.

3. Claims 3-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nocera FR 2799695 in view of Burr DE 10243974.

Nocera teaches the invention as discussed above, but is silent about cylindrical sub ducts arranged concentrically one in the other, about spiral sub duct,

Burr teaches:

Regarding claim 3, at least one further subduct 12 (figs. 3-4) is provided, arranged around at least one of the cylindrical subducts 11 (figs. 3-4)-

Regarding claim 4, the air conduction device has subducts (11, 12, figs. 3-4) arranged concentrically one in the other.

Regarding claim 5, the air conduction device has at least one helical or longitudinally indrawn spiral sub duct (12, figs. 3-4)

Regarding claim 6, the helical sub duct has at least one guide (unnumbered spiral wall of duct 12, fig. 3) which is arranged helically.

Regarding claim 7, the pitch of the helix decreases toward the outlet port (fig. 3).

Regarding claim 8, upstream of the air conduction device (-4-), a metering device is arranged, which is designed in such a way that the air capable of being supplied to the individual sub ducts is controllable (is capable of being controlled)

Regarding claim 10 limitation about specific aspect ration, at the time the invention was made it would have been obvious mater of design choice to a person of ordinary skill in the art to have specific aspect ratio, because applicant has not disclosed that the claimed specific aspect ratio provides an advantage is used for particular purpose or solves a stated problem. One of ordinary skill in the art would have expected the Applicant's invention to perform equally well with claimed aspect ration or with aspect ratio similar to claimed aspect ration, because both aspects ratio performs the function of transferring the air equally well.

Regarding claim 11, each cylindrical sub duct (11, fig. 3) has arranged around it at helical sub ducts (12, fig. 3) which can be regulated independently of one another via separate control devices 21 (fig. 2).

Regarding claim 12, helical subduct (12, fig. 3) are arranged around cylindrical subduct (11, fig. 3) in the inflow region the air duct assigned to the cylindrical sub ducts being arranged between the air ducts assigned to the helical subducts (12, fig. 3)

Regarding claim 13, the cylindrical subducts project beyond the helical subducts as seen in the air flow direction (fig. 3).

Regarding claim 15, The air vent as claimed in claim 14, wherein the lamellar air conduction device is of centrally divided design, and the two parts can be regulated independently of one another (fig. 2).

Regarding claims 16-20 the applied prior art apparatus having the same structural limitations as those presently claimed, to the extent that the claimed apparatus performs the claimed method, the applied prior art apparatus performs the claimed method as well.

Regarding claim 18 limitation about specific range, at the time the invention was made it would have been obvious matter of design choice to a person of ordinary skill in the art to have specific range, because applicant has not disclosed that the claimed specific range provides an advantage is used for particular purpose or solves a stated problem. One of ordinary skill in the art would have expected the Applicant's invention to perform equally well with claimed range or with range similar to claimed range, because both aspects ratio performs the function of transferring the air equally well.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELENA KOSANOVIC whose telephone number is (571)272-9059. The examiner can normally be reached on 8:30-5:00, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve McAllister can be reached on 571-272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Helena Kosanovic/
Examiner, Art Unit 3749

/Steven B. McAllister/
Supervisory Patent Examiner, Art Unit 3749

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